

MEMORANDUM

May 3, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DWYER, DALY, BROTZEN & BRUNO, LLP
Richard Kemalyan

GORDON W. TRASK
Principal Deputy County Counsel
Law Enforcement Services Division

RE: Desmond Pryer, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 338035

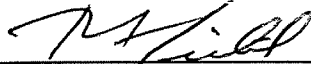
DATE OF
INCIDENT: December 26, 2004


AUTHORITY
REQUESTED: \$60,000

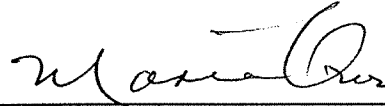
COUNTY
DEPARTMENT: LOS ANGELES SHERIFF'S DEPARTMENT

CLAIMS BOARD ACTION:

☒ Approve ☐ Disapprove ☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on May 15, 2006

SUMMARY

This is a recommendation to settle for \$60,000 a lawsuit filed by Desmond Pryer, who alleges that he was subjected to excessive force by Sheriff's Deputies.

LEGAL PRINCIPLE

A police officer may be liable for violation of federal civil rights if unreasonable or excessive force is utilized in the control of a jail inmate.

SUMMARY OF FACTS

On December 26, 2004, Desmond Pryer was incarcerated at the North County Correctional Facility on a drug-related charge. At lunchtime, the inmates in the dormitory where Mr. Pryer was housed were ordered to line up to receive their meal. Mr. Pryer refused to line up, and remained on his bunk. A Deputy again requested that Mr. Pryer get in line, and when he did not comply, the Deputy thought that Mr. Pryer may be having a medical problem.

Two Deputies escorted Mr. Pryer out of the dormitory and into a nearby dayroom. Mr. Pryer was not handcuffed at any point while he was taken into the dayroom. Once in the dayroom, he was placed against a wall, and a cursory pat-down search was conducted. During the course of the search, Mr. Pryer pushed away from the wall and against the Deputies and an altercation ensued.

During the altercation, a Deputy struck Mr. Pryer with his flashlight three to four times in the right upper leg, resulting in a fracture of the femur. He was transported to Henry Mayo Memorial Hospital for emergency treatment. Following surgery, he was hospitalized for several days. He continues to complain of pain, and alleges that his gait is permanently impaired.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Pain and Suffering	\$100,000
Civil rights attorneys' fees	<u>\$150,000</u>
Total	<u>\$250,000</u>

The proposed settlement calls for the County to pay Mr. Pryer \$60,000 for all of his claims for damages, costs, and attorneys' fees.

STATUS OF CASE

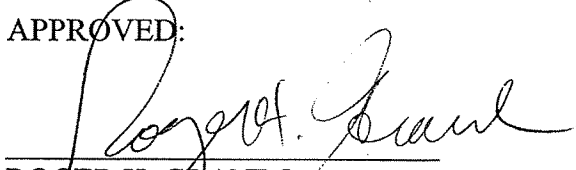
The trial court proceedings have been suspended pending consideration of the proposed settlement. Expenses incurred by the County in defense of the action are attorneys' fees of \$5,820 and \$702 in costs.

EVALUATION

This is a case of disputed liability. While it appears that the Deputy was responding to Mr. Pryer's resistance, a jury may conclude that the severity of Mr. Pryer's injury was the result of excessive force. A reasonable settlement at this time will avoid further litigation costs and a potential verdict that could exceed the proposed settlement.

We recommend settlement of this matter in the amount of \$60,000. The Sheriff's Department concurs that this matter should be settled.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

GWT:bl